

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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ANNE ELKIND and SHARON ROSEN,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

- against -

REVLON CONSUMER PRODUCTS
CORPORATION,

Defendant.

ORDER

CV 14-2484 (JS) (AKT)

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A. KATHLEEN TOMLINSON, Magistrate Judge:

The Court has received the January 9, 2015 letter motion to compel by Defendant Revlon Consumer Products Corporation, *see* DE 66, and the January 14, 2015 letter in opposition by Plaintiffs' counsel Jack Fitzgerald. *See* DE 68. It seems clear from these submissions that Plaintiffs' counsel is in violation of Federal Rule of Civil Procedure 45(a)(4), which provides:

(4) Notice to Other Parties Before Service. If the subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, then before it is served on the person to whom it is directed, a notice and a copy of the subpoena must be served on each party.

In light of the non-compliance of Plaintiffs' counsel with his obligations under Rule 45(a)(4), all third-party subpoenas are deemed stayed until further Order of the Court. To the extent the subpoenas have already been served, Plaintiffs' counsel is directed to contact the non-parties and inform them that the Court is holding their responses in abeyance pending the further Order of the Court.

SO ORDERED.

Dated: Central Islip, New York
January 20, 2015

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge